Lake-Wide Control of Aquatic Invasive Plants Project
Lake Tahoe, California and Nevada

Draft Decision Notice / Finding of No Significant Impact

Lake Tahoe Basin Management Unit (LTBMU), USDA Forest Service

Washoe, Carson City, and Douglas Counties, Nevada
Placer and El Dorado Counties, California

DECISION AND RATIONALE

There is a need to conduct aquatic invasive plant (AIP) control and management throughout suitable habitat areas in Lake Tahoe, tributaries, and marshes in California and Nevada, the Upper Truckee River and the Truckee River between the dam at Lake Tahoe to River Ranch at Alpine Meadows Road. Complete project background and supporting information can be found on the project webpage.

Based on my review of the environmental analysis, stakeholder input, and public comments, I have decided to implement the Proposed Action (PA), as summarized below and described in detail in the Final Environmental Assessment found on the project webpage (EA, Chapter 2). In accordance with Forest Plan direction and desired conditions, the PA (project) would 1) control AIP within the identified project area using control measures appropriate for each area of infestation within the project area (control site) and 2) implement the AIP control components of the Lake Tahoe Region AIS Action Agenda 2021-2030 through different types of direct and indirect control methods and followed by associated monitoring/surveillance activities applied to each control site. The Action Agenda decision-making team will determine which method or methods are best suited to each control site, taking into account the characteristics of the control site, breadth of infestation, access, cost, and other factors. Direct control methods are actions that directly target AIP removal and function and include hand pulling, diver-assisted suction removal, benthic barriers, UV-C light methods, suction dredging and mechanical dredging, and laminar flow aeration (indirect control method).

The PA, including all resource protection measures and mitigation measures found on the project webpage, will help to meet the desired future condition and goals as described in the Forest Plan for the project area. Control of AIP is an allowed activity on national forest system lands within the LTBMU in identified suitable habitat. Given the large geographical area of suitable habitat for AIP control (e.g., the entire lake shoreline, adjacent marshes and tributaries), the project area is primarily located within General Conservation Management Area, but control sites along some tributaries and marshes are also located within Santini-Burton/Urban Forest Parcel Management Area. The project area is classified as both Rural and Roaded Natural on the Recreation Opportunity Spectrum. Improving invasive species management supports management objectives for each of these designations.

Forest Plan direction for habitat quality emphasizes water quality and aquatic habitat, both of which would be improved by implementation of the PA. AIP control is aligned with Forest Plan strategies including using partnerships to attain desired conditions and expand habitat of native species. The PA was developed, designed, and will be implemented in close coordination with the Action Agenda decision-making team, including partners such as Tahoe Resource Conservation District, Tahoe Regional Planning Agency, US Army Corps of Engineers, US Fish and Wildlife Service, California Tahoe Conservancy and other state agencies.

To meet the needs for AIP control, the PA will utilize proven manual methods for controlling AIP species that include hand pulling, gas permeable benthic barriers and diver-assisted suction removal used in combination throughout the growing season. While this combination of methods has been successful, low lake level, wave action, lake-bottom morphology, high boater use areas, marina environments, marsh environments and

turbidity can impede the effectiveness of these methods. Therefore, the PA includes additional tools (e.g., UV-C light methods, suction dredging and mechanical dredging, and laminar flow aeration) to treat AIP infestations throughout all areas of suitable habitat.

Public scoping revealed interest in the definition of the project area and project description; clarification of purpose and need and project objectives; concerns about potential resource impacts, and consideration of mitigation measures. Potential resource impacts included indirect effects to other forms of flora and fauna, sensitive biological resources, water quality, and recreational uses, and concerns about dredging being used to expand recreational boating access.

Comments that led to modification or clarification of the proposed action included concerns about use of dredging for AIP control, and AIP control work within proximity to drinking water intakes. I also heard concerns related to previously established limits on the use of benthic barriers to control AIP. I responded to these concerns by modifying the proposed action to clarify that dredging would only occur in areas previously dredged (e.g., maintenance dredging), require notification of water intake owners, and eliminating acreage limits for benthic barrier deployment. Additional analysis was included in the water quality, biological resources and public utilities section of the Environmental Assessment (EA) to help clarify the effects of the proposed action on those resources.

OTHER ALTERNATIVES CONSIDERED

In addition to the PA, I also considered a no action alternative (EA, section 2.2). Under the no action alternative, current conditions and management would continue. We would continue to implement only those control methods previously adopted in the 2014 Lake-wide Aquatic Invasive Plant Control Project (hand removal, diver-assisted suction removal, and up to 5 acres of benthic barrier deployment) and implementation would remain limited to only Lake Tahoe and a portion of the Truckee River. No AIP control would occur in the marshes or tributaries to Lake Tahoe on NFS land beyond those actions covered under other approved NEPA documents, and the existing habitat and water quality where AIP infestations occur in those areas would not be improved.

PUBLIC INVOLVEMENT

The public review process for this PA began with a public scoping notice describing the project location, desired condition, proposed activities, and how to participate in the scoping process. It was mailed to interested or affected parties on February 13, 2019, and requested response by March 15, 2019 (30-day period). The scoping notice was also posted on our forest website along with Tahoe Regional Planning Agency (TRPA) and Tahoe Resource Conservation District (RCD) websites.

In addition to input from our staff, eight comment letters were received from the California Tahoe Conservancy, Tahoe City Marina, Sierra Club Tahoe Area Group, League to Save Lake Tahoe, California State Lands Commission, Nevada Tahoe Resource Team (NV Division of State Lands, NV Division of State Parks, and NV Division of Wildlife), Tahoe Yellow Cress Adaptive Management Working Group, and Tahoe Water Suppliers Association.

We address commenters and issues raised in this scoping effort in the EA (Appendix B). Our staff coordinated directly with our partner agencies, Tahoe RCD and TRPA during preparation of the EA, and the project consultant retained by Tahoe RCD to prepare the three-party environmental document involved several responsible agencies (e.g., California Tahoe Conservancy and Lahontan Regional Water Quality Control Board) in draft reviews of the proposal.

A consultation letter was sent to the Washoe Tribe on November 11, 2019. This was followed by a phone call on December 11, 2019, to confirm receipt and determine if the Washoe Tribal Historic Preservation Officer, Mr. Cruz had any concerns, comments, or input on the PA. Mr. Cruz requested that the project proponents and federal agencies continue to inform and consult with the Washoe and avoid effects to cultural resources,

especially during dredging activities. He recommended a monitor to screen the dredged materials. He requested that he be sent the final report, the contractor's compliance be checked, and that an inadvertent discovery plan be developed. Mr. Cruz also commented that any map of archaeological sensitivity should be considered confidential and that the Washoe consider all prehistoric resources as high sensitivity, and they should be treated accordingly. Lastly, he stated that the Tribe is in favor of using buffer zones for protection of cultural resources during project activities (e.g., dredging).

Informal consultation between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service disclosing the environmental impacts of the PA on federally listed species is ongoing. A letter of concurrence is expected by May 2021. Any information from the completed consultation will be included in the final Decision Notice.

We prepared a draft EA and circulated it for public comment August 17, 2020 to September 16, 2020 as part of a three-party environmental document (CEQA Initial Study, TRPA Initial Environmental Checklist and NEPA Environmental Assessment). A legal notice in the Tahoe Daily Tribune on August 14, 2020, publicized the 30-day comment period. Distribution of draft EA occurred through public clearinghouses, public noticing on the forest, TRPA and Tahoe RCD websites, local public repositories, and direct mailing to interested agencies and parties. We received two comment letters during this comment period. Commenters raised two basic issues or concerns, in no particular order, and in response I clarified and increased protections:

1. **Protect water quality at water purveyor water intakes:** I have implemented protections around water intakes, as requested by water purveyors, to ensure that turbidity/water quality is not adversely impacted from control methods that disturb the lake bottom (e.g., benthic barriers, suction removal, dredging).
2. **Request for changes to resource protection measures to protect water quality:** In developing the project description, we included requirements for post- and pre-project monitoring of water quality, and descriptions of how control measures would be implemented while protecting water quality. Based on comments from the Lahontan Regional Water Quality Control Board, I made changes to the project description to clarify how benthic barriers would be held in place using clean fill, how spill response would be handled, and UV-C light treatment would be performed to avoid harmful algal blooms or harm to benthic macroinvertebrates.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). An EIS will not be prepared. I base my finding on the following:

Context

Each of the following ten intensity factors is considered in the context of the size of the project area compared to the size of the LTBMU. The 15,600-acre project area (including NFS and non-NFS lands) is approximately 10 percent of the LTBMU's total area of 154,851 acres. The effects on each resource are considered in their own contexts and disclosed (EA, Chapter 3).

Intensity

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.**

   My finding of no significant environmental impact on any existing resource condition is not biased by the beneficial effects of the action (EA, Chapter 3). The project record includes resource protection measures, mitigation measures, and Best Management Practices (EA, Chapters 2 and 4). These further reduce or avoid any impacts that could result from implementation of this project to levels well below significance thresholds for all resources.

2. **The degree to which the proposed action affects public health or safety.**

   There will be no significant negative effects on public health and safety. Resource protection measures (EA, Chapters 2 and 4) protect the public during project implementation activities. Short-term impacts of AIP control measures are heavily outweighed by the long-term benefits of removing AIP from Lake Tahoe, marshes, and tributaries.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

   A cultural resources specialist analyzed effects to historic and cultural resources in the January 2020 Cultural Resources Analysis prepared for the PA (EA, Chapter 3). The project record includes resource protection measures, mitigation measures, and Best Management Practices to reduce and avoid adverse impacts to historic and cultural resources and wetland habitats within the project area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

   Public involvement with interested and affected individuals and agencies was conducted throughout preparation of the environmental analysis. No substantial scientific dispute exists as to the size, nature, or effects of the PA on any environmental condition. Based on the comments received during scoping and the comment period, there were no substantive issues that led to the development of additional action alternatives. All comments were addressed through revision of resource protection measures and mitigation measures or clarification to the PA (EA, Chapters 2 and 3). Please see our Response to Comments document under Supporting Documents on our project webpage for specific changes that were made to the EA.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

   Based on the comments, the degree of controversy is low. Many commenters were very supportive of the PA and would like to see expanded control of AIP, even in areas of recreational use (e.g., Lake Tahoe marshes, tributaries and marinas). The AIP Action Team has considerable experience and success with many of the AIP control methods to be implemented, and new methods (e.g., UV Light) have been tested and reviewed under pilot programs recently completed within the project area. The effects analysis in the EA shows that overall effects are not uncertain and do not involve unique or unknown risks (EA, Chapter 3).

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

   The PA will not establish a precedent for future actions because no significant effects are identified (EA, Chapter 3), nor does this action influence a decision in principle about any future considerations. As described in number 5 above, the outcome of the actions proposed are well known because we and our AIP control partners have implemented similar actions many times over the past 15 years.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

   There are no known significant cumulative effects of this PA when considered with other ongoing or planned projects in or adjacent to the project area. The effects of other foreseeable future actions (e.g., Target invasive fish control, and AIP control in the Tahoe Keys Marina and Lagoons) were included in each resource section (EA, Chapter 3).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.**

Portions of the large project area have been previously inventoried for historic and cultural resources. A cultural resources analysis was prepared by cultural resources specialists and identified a total of 454 resources in the project APE. Of these, 74 are located on USFS-managed lands in the LTBMU, above the USACE OHWM jurisdiction. A majority of the AIP control methods consist of non-ground-disturbing activities and do not have potential to affect or impact cultural resources. These include hand pulling, hand suction removal, benthic barriers, UV-C, and laminar flow/aeration systems. Hydraulic and mechanical dredging activities have the potential to adversely affect or impact cultural resources through ground disturbance. However, any dredging activities to control AIP would be conducted in areas that have been previously dredged under USACE jurisdiction and have low probability of containing intact cultural resources. Resource protection measures (EA Chapters 2 and 4) are included in the project record to avoid impacts to known or unknown cultural or historic resources.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.**

   USACE biologists analyzed effects of AIP control measures in a Biological Assessment (effects summarized in EA, Chapter 3) and recommended resource protection measures (EA Chapters 2 and 4) to avoid and reduce adverse impacts to endangered and threatened species with suitable habitat. Informal consultation with the United States Fish and Wildlife Service (USFWS) is required for this PA because there are potential effects to habitat for Lahontan cutthroat trout and Sierra Nevada yellow legged frog as a result of PA implementation. Consultation between USACE and USFWS is ongoing. A letter of concurrence was is expected by May 2021 and will be included in the Project Record.

10. **Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for the protection of the environment.**

    As described in the EA, the PA will not violate Federal, State, and local laws or requirements for the protection of the environment.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This PA followed the full 36 CFR 800 Section 106 process and is consistent with the Programmatic Agreement between the USDA Forest Service Region 5 and the Historic Preservation Officers of California and Nevada. Project resource protection measures/mitigation measures and best management practices (EA Chapters 2 and 4) meet the Clean Water Act. This PA meets Executive Order 12898 requirements. An Invasive Plant Risk Assessment was prepared, and the project's purpose and resource protection measures would minimize risk of new invasive plant introductions. A Migratory Bird Report was prepared. Documentation for these findings are in the project record. Informal consultation and request for concurrence meets Section 7 ESA requirements.

An Initial Study/Mitigated Negative Declaration was adopted by the Tahoe RCD Board at their January 12, 2021 hearing. An initial environmental checklist for determination of environmental impact was submitted and approved by TRPA at their Hearings Officer meeting on February 4, 2021. Required permits would be obtained from TRPA and other permitting agencies (e.g., US Army Corps of Engineers and Lahontan Regional Water Quality Control Board), as needed before PA implementation.

ADMINISTRATIVE REVIEW

This is a project-level decision, subject to administrative review ("objections") outlined in 36 CFR Part 218. A written objection, including attachments, must be postmarked or received within 45 days after the date the legal notice of this draft decision is published in the Tahoe Daily Tribune. The publication date of that notice is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely on dates or time frame information provided by any other source. To review project documents, please go to the LTBMU project webpage at https://go.usa.gov/xmgxT, under "Lake-Wide Control of Aquatic Invasive Plants", under "Project Documents", then under the "Analysis" tab, click on "Objections". To submit an objection, find

the “Get Connected” heading on the right-side of the webpage, then select the “Comment/Object on Project” link. Please see the regulations above, my letter dated March 19, 2021, and the legal notice on the project webpage for more info regarding objections. Please note you must have commented during pervious designated comment periods to submit an objection.

IMPLEMENTATION

It is anticipated that implementation of this PA would begin Summer 2021. If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, the fifth business day following the close of the objection filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objections.

CONTACT

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__Draft Decision – No Signature_____ _____

WILLIAM JACKSON Date
Forest Supervisor